

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:18-CR-00210-1BO

UNITED STATES OF AMERICA

v.

ASHISH PRASAD BHATTARAI

SENTENCING MEMORANDUM

Defendant Ashish (“Ash”) Bhattarai bring this sentencing memorandum to highlight some additional or clarifying information about his history and characteristics for purposes of fashioning a sufficient but not greater than necessary sentence under 18 U.S.C. 3553(a); *Gall v. United States*, 552 U.S. 38, 49-50 (2007) (the sentencing court considers all of the § 3553(a) factors to “make an individualized assessment based on the facts presented”). While a Pre-Sentence Report (PSR) has been filed in this case, he has pled guilty to a Class B misdemeanor under 8 U.S.C. § 1306(c), which does not implicate the United States Sentencing Guidelines.

Mr. Bhattarai left Nepal and came to the United States in 1987 with his parents, and his visa was derivative to his father’s student visa (foreign scholar). His father was studying for his Phd at UNC-Chapel Hill. He and his parents went back to Nepal in 1992 (so his father could collect data for his Phd dissertation) but returned in 1993. Mr. Bhattarai was in the United States under the same type of visa, derivative to his father’s visa. His father became a lawful permanent resident (and is a professor who has taught at numerous universities) and his mother naturalized as a U.S. citizen. Currently, Mr. Bhattarai has immigration status through Temporary Protected Status that has been extended through 2021.

Mr. Bhattacharai grew up in Chapel Hill, North Carolina, and has lived continuously in the United States for 26 years and for a total of almost 33 years. He attended Chapel Hill High School as well as Wingate University, UNC Chapel Hill, and NC State University. He left NC State during his last semester in 2001 and did not finish the degree he was pursuing. He has worked his way up in the automotive industry to a management position and is a 2017 graduate of the Hendrick Dealership Academy and the National Automobile Dealership Academy (NADA). He is a subject matter expert in automotive retailing. He works on commission for a dealership with a base draw against his pay. He had a Social Security Number (SSN) issued to him over 20 years ago and has filed and paid taxes for over 20 years.

He has known his wife, a native of Durham, North Carolina (also a do, since they were 12 years old. They have a 2 year old toddler and a one month old at home.

Respectfully filed on December 11, 2019.

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Designation: Retained

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

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by electronically filing the foregoing with the Clerk of Court on December 11, 2019, using the CM/ECF system which will send notification of such filing to the above.

Filed on December 11, 2019.

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